

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ROBERT BOLDEN, SR.,	)	
	)	
Movant,	)	
	)	
vs.	)	Case No. 4:10-CV-2288 (CEJ)
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**ORDER**

Before the Court is the motion of Robert Bolden, Sr., pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, to alter or amend the judgment entered on March 21, 2016. The United States has filed a response in opposition.

Rule 59(e) allows a district court to correct its own mistakes in the time period immediately following entry of judgment. Norman v. Ark. Dep't of Educ., 79 F.3d 748, 750 (8th Cir. 1996) (citing White v. N.H. Dep't of Emp't Sec., 455 U.S. 445, 450 (1982)). Rule 59(e) motions serve a limited function of correcting "manifest errors of law or fact or to present newly discovered evidence." Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills, 141 F.3d 1284, 1286 (8th Cir. 1998) (internal quotation and citations omitted). "Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment." Id.

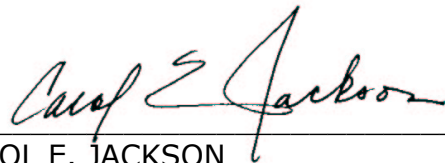
Federal Rule of Civil Procedure 60(b) sets forth the grounds on which a litigant may seek relief from a final judgment, order, or proceeding. Rule 60(b) "provides for extraordinary relief which may be granted only upon an adequate showing of exceptional circumstances." Robinson v. Armontrout, 8 F.3d 6, 7 (8th

Cir.1993). Under Rule 60(b)(6)'s catch-all provision, the "exceptional circumstances" must have "denied the movant a full and fair opportunity to litigate his/her claims and have prevented the movant from receiving adequate redress." Hodge v. Burlington N. & Santa Fe Ry. Co., 461 F. Supp. 2d 1044, 1054 (E.D. Mo. 2006) (citing Harley v. Agostini, 413 F.3d 866, 871 (8th Cir. 2005)).

The issues movant raises in his motion to alter/amend judgment concern his entitlement to discovery and whether the Court should have conducted an evidentiary hearing and issued a certificate of appealability. The Court previously addressed these issues and articulated its reasons for its rulings. Movant offers no new arguments here, and the Court will not revisit its earlier rulings.

Accordingly,

**IT IS HEREBY ORDERED** that the movant's motion to alter or amend the judgment [Doc. # 233] is **denied**.

A handwritten signature in black ink, appearing to read "Carol E. Jackson", is written over a horizontal line.

CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 9th day of November, 2016.